App F. IX-4

1930.
(Bangalore)

File No. 14 - 30
Serial Nos. 546

Previous References

Later References

General and Revenue Secretariat.

Serial Nos.

Part B for June 1931

SUBJECT

Regarding the repair/ship of the Sri Sri Sri Kalikamba Swamy Temple Kumbapet in Bangalore City.

By

The Bangalore Commissioner
Rao. B. Narayana Rao, Advocate
Bangalore City

Memo. No. 680-1 dt/15th July 1931

Order ——— No reconsideration is called for.

General and Revenue Secretariat — File No. 76 of 1930-31

Serial No.

5. Petition of 23/6/31 filed by Mr. M. Narayana Rao Advocate on behalf of the appellant Venkatachalam Amanachan in Mug appl No 1 of 30-31 praying for a revision of the order passed in the said appeal about the archakship of the Kontipet Temple Chadpet - Rangareddy dist.

(1) On a representation of 17/3/31 from the same advocate original file dealing with appl no 26 of 17-18 was perused by the Member of Council before issuing the order a revision of which is prayed for now in the P. R-D.

In View of this & also of the fact that no additional fresh grounds are urged in the P. R-D, it is for orders if the applicant may be told that no reconsideration is called for.

(2) H. Lacy 30.6.31

(3) Sh. Member 30/6/31

(4) A. Yes 7/7/31

(5) 9-7-31

NOTE—Contn Sheet

WD 10253—50,000—GDB

9.7.31

Mrg File No. 14 of 1930.

General and Revenue Secretariat

Memo no 889 15-7-31 to the Mysore Commissioner forwarding copy of the order on the revision petition

6

Memo 89 dy 15/7/31 to Mr M. Narayana Rao Advocate for the appellant.

B 30/7/31

GENL & PEV 1698 1931 M

EE

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

OF MYSORE. Moz 14-30-5

Review Petn No 21 of 30-31

~~Mis.~~ Muzrai Petition No. 1930-1931.

Muzrai Appeal No. 1 of 1930-1931.

Petitioner - Appellant:-

Archak Venkataramanachar of the Sri Venkataramanaswamy Temple Komati Pet Bangalore City.

- V. S. -

Opponents- Respondents:-

1. Ramachar, gumasta archak of the aforesaid Temple.

2. Mr. K. Subbaraya Setty, B.A., LL.B., Advocate, and other devotees of the said Temple.

Under Section ~~of~~ the Mysore religious and charitable endowments regulation - the petitioner abovenamed begs that for the following reasons the order passed in the above appeal may be revised and the case heard and disposed on merits.

1. This Hon'ble court should have considered the decision in appeal No. 26 of 1917-18 regarding the scope and applicability of section 36 before - proceeding to issue the rule in instance which is contrary to the aforesaid precedent.

2. This Hon'ble court should have noticed that the main requisites for the application of section 36 are absent in the case.

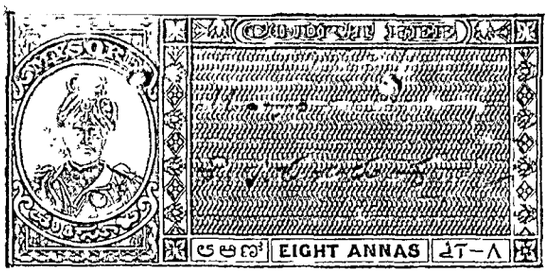
3.

3. This Hon'ble court should have also observed that the procedure laid down in the aforesaid decision has not been complied with or followed and that the decisions of the courts below are vitiated on that account.

4. At the worst this Hon'ble court should have directed a reinquiry according to law to ascertain the volition of the devotees.

Advocate for Petitioner-appellant

Bangalore
15th June 1931.



Before The Government
of His Highness the Maharaja
of Mysore

Muzrai Appeal No. 1 of 1930-31

Appellant
Venkataramanachar

vs

Respondents
(1) Ramachar
(2) Sri K. Subbaraya Chetty B.A., LL.B.,
and other devotees of the Sri
Venkataramanaswami temple.

Appeal against the order of the Muzrai Commissioner
re the Archakship of the Sri Venkataramanaswami temple
Komatipet, Bangalore City in Muzrai Appeal case
No. 421 of 1927-28 on his file

The case was heard on 14-3-31. The appellant was represented by Sri M. Narayana Rao M.A., B.L., Advocate and the respondents by Sri. M. Srinivasa Rao B.A., LL.B., Advocate. Messrs K. Subbaraya Chetty and Ramachar, two of the Respondents were also present

Order

There are no reasons to interfere with the orders passed by the Muzrai Commissioner. The Appeal is rejected.

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Charges.
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Compared by G.S.

V. Subrahmanyam Chetty
For Secretary to Government
Finance and Revenue Departments

Before The Government ಕೋರ್ಟಿಗೆ.

His Highness The Maharaja of Mysore

1930–1931 ನೇ Mis. Muzrai ನಂಬರು. Petition

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್		ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್
Archak Venkataramanachar,	Vs.	1. Ramachar 2. Mr. K. Subbaraya Setty B.A., LL.B Advocate & other devotees.

ಮು॥ ರಾ॥ ಎಂ. ನಾರಾಯಣರಾವ್, ಎಂ.ಎ., ಬಿ.ಎಲ್., ಅಡ್ವೋಕೇಟ್‌ಯವರಿಗೆ

The Petitioner ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಜ್ಞೆರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ಎಷಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಫ್ಲೂಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಸೊಬಲಗು ರೀಫಂಡು ಸ್ಟಾಂಪು ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ನನಗಾಗಿ ನೀವು ಮಾಡಬಹುದಾದ ಎಲ್ಲಾ ಕೋರ್ಟು ಖರ್ಚುಗಳಿಗೂ ಮತ್ತು ನನ್ನಿಂದ ನಿಮಗೆ ಸಲ್ಲಬೇಕಾದ ಬಾಕಿ ಫೀಜಿಗೂ ನಾನು ಬದ್ದನಾಗಿರುವುದಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಅಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ದನಾಗಿ ಇಧೇನೆ.

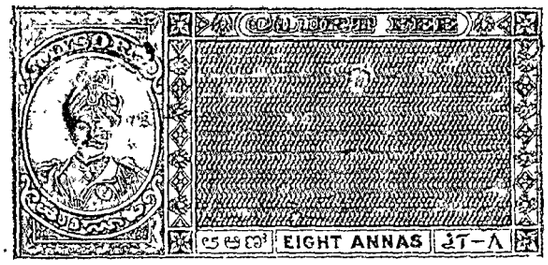
ರುಜು ಅರ್ಚಿ ಕಂ. ವೆಂಕಟರಮಣಾಚಾರ್ ಪರ ಪೌಳ್

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ.

ತಾರೀಖು 193 15-6-31 / 22-6-31

1498—೧೦. ಬೆಂಗಳೂರು ಪ್ರೆಸ್



EIG T ANNAS T-

In the Court of His Highness the Maharaja of Mysore.

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 26 of 1917-18.

Appellants	Vs.	Respondents.
Ranga and others		Kempa and others.

Subject.

Appeal against Order No. 64, dated 17th June 1918, of the Deputy Commissioner, Tumkur District, directing the removal of the appellants from the Pujarishipof Kariyammadevaru temple at Peddihalli in the Tiptur Taluk.

Decision.

The case was heard on 21st February 1919, the parties being present in person and also represented by their advocates.

This is an appeal from the order of the Deputy Commissioner of Tumkur removing the appellants who are Madigars from their hereditary Office of Pujaries of the Kariyammadevaru temple at Peddihalli and directing the appointment of Besthars as Pujaris in their stead.

The above order is one that purports to have been passed under Section 36 of the Mysore Muzrai Regulation VI of 1913; and the question that is raised by the appeal is whether the provisions of that section have been duly complied with.

The section in question applies in terms to the setting aside of "a person claiming by hereditary right," that is to say, of an individual claimant, who is objectionable to the majority of the inhabitants. It is open to doubt whether it applies to the setting aside wholesale of the claims of an entire family or community (comprising persons unborn as well as those in existence) as is sought to be done in the present

case. This point need not however be decided now, for apart from that, the section requires that the objection must proceed from "a majority of not less than three-fourths of the inhabitants of a village of other unit being devotees of a temple. The terms of the section are imperative; the fact that it might be difficult to give practical effect to it is no reason for ignoring it, but rather a reason for not resorting to the power of removal given by it except in those cases in which the sentiment of the community of devotees cannot possibly be in doubt. As a matter of fact, the ascertainment of such sentiment can be effected by a procedure very similar to that laid down in the Rules prescribed under Section 35 in regard to the election of Pujari or other officer in Muzrai Institution. These rules enjoin the preparation of a register of devotees for each institution and enumerate the various classes of persons who shall be regarded as devotees; they also provide for the devotees being notified of the time and place of election and for their votes being taken. The same Register would be quite sufficient basis for the enquiry necessary under Section 36; and the views of devotees (or such of them as cared to attend and express their views) might well be ascertained in the same manner.

In the present instance there is nothing whatever to show that that procedure was followed. There is no mention in the records of the existence of a Register of devotees at all. Though both sides to the dispute have filed several sheets of paper containing numerous signatures of persons professing to be interested, only nine persons from different villages are stated to have attended the Taluk Office, and it is not very clear whether they were all of them persons entitled to be regarded as devotees within the meaning of the section, and whether the other members of the community were invited to attend. The Amildar seems to have recognized that the enquiry made was not a satisfactory one and to have suggested the holding of a fuller enquiry on a later date; but

the Deputy Commissioner, somewhat too readily as it would seem, or as he himself acknowledges in para. (7) of his letter of 19th June 1918, "on perusal of the records," "accepted the view that not less than three-fourths of the devotees are against the Madigars" and passed orders directing their removal.

In the circumstances above set forth, it is not possible to hold that the provisions of Section 36 of the Regulation have been complied with. The appeal must be allowed and the order of the Deputy Commissioner objected to must be reversed the appellants being restored to the rights of which they may have been deprived in pursuance of that order.

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Compd. by C.S.

V Subbaramayasastri

for Secretary to Govt.

C.S. Finance Dept.

C.S.

C.R.G.

BEFORE THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

- - -

Muzrai Review No. 21 of 30-31.

Appellant. Vs:- Respondent.

Archar Venkataramanachar — Ramachar and Mr. Subbaraya Setty, B.A., L.B and other trustees of the Sri Venkataramanaswami Temple, Chitlapet, Bangalore City

Subject.

Prayer for revision of the orders passed in Muzrai Appeal No. 1 of 30-31 regarding the archakship [illegible] of the Sri Venkataramanaswami Temple, Kolar, Bangalore City.

- : -

Order

No reconsideration is called for.

-:-

V. Subramanyam
Asst. to Dewan
21 Sept.

Memo no 8809 15/7/31 to the A-C.
Memo no 89 of 15/7/31 to Mr. M. Narayana Rao
Advocate.
Balepet Bangalore City

Bl. 4.

Before the Government of His Highness the Maharaja of Mysore.

Review
Mucz 5 ~~Appeal~~ No. 21 of 30 - 31

Appellant.	*Vs.*	Respondent
Archak Venkata-ramanachar		Ramachar & Mr. K. Subbaraya Setty &~~Co~~ 4 Others Trustees of The Sri Venkataramana Swami Temple - Kontikeel Bangalore City.

Subject.

Prayer for revision of the orders passed in Mucz Appl 1 of 30 - 31 regarding the archakship right of the Sri Venkataramana Swamis temple - Kontikeel Bangalore City.

Order

No reconsideration is called for.

88/Mucz 14-30-b dy 15/7/31

Copy to M. C. for information.

B. O

Mucz 14-30-b.

9.7.31

For Secy to Govt

H Deputy.

89 dy 15/7/31.

Copy to Mr M Narayanarao

Advocate for the Appellant. with reference to the Revision petition filed by him against the

GPB-1000-8-8-31

B. O

9.7.31

For Secy to Govt

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